UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SOUTHERN DISTRICT C	DENEW YORK	
IN RE: Acetaminophen – A	Docket No. 22-md-3043 (DLC)	
Litigation This Document Relates To:	Taryne Burke Individually, And As Mother And Court Appointed Guardian of Ashton Burke v. Johnson & Johnson Consumer Inc.	
Case Name:		
Case No.: 1:24-cv-1479		

First SHORT FORM COMPLAINT

I. FILING OF SHORT FORM COMPLAINT

Plaintiff(s) hereby file their Complaint by way of (select one):

×	This Co	omplaint	is filed p	oursuant	to Ord	er: D	irect Fi	ling (D	E 238).	Plain	ntiff(s)
hereby	desigr	nate(s)	the	United	1	States	s l	District	Co	urt	for
the	Middle Dis	trict of Te	nnessee				as	Plaintiff	E(s)' ho	me	venue
("Home	Venue"),	as this	case may	have orig	ginally	been	filed th	ere beca	use:		
		Minor w	AP produce	sed and/c				-	•		
	1		minor wa								_(city),
			ntial part o				_	•			
			Defendan								
			ginally				and	l was tra	insferred	to thi	

by the Judicial Panel on Multidistrict Litigation.

II. PLAINTIFF(S) INFORMATION

Plaintiff(s) are the following individuals (check all boxes which apply and fill out all					
information for selected Plaintiff(s)):					
Plaintiff-Mother (name): Taryne Burke					
■ State of Residence: TN					
■ State of Citizenship: TN					
■ Filing Capacity:					
As Guardian, on behalf of Plaintiff Child					
Individually					
Plaintiff Child #1 (full name, or initials if Plaintiff Child is currently a minor):					
Ashton Burke					
■ State of Residence: TN					
■ State of Citizenship: TN					
■ Year of Birth (yyyy): <u>2003</u>					
■ Injury:					
Autism Spectrum Disorder					
Attention-Deficit/Hyperactivity Disorder					
Plaintiff Child #2 (full name, or initials if Plaintiff Child is currently a minor):					
State of Residence:					
State of Citizenship:					

Year of Birth (yyyy):
■ Injury:
Autism Spectrum Disorder
Attention-Deficit/Hyperactivity Disorder
Other Plaintiff(s):
• Capacity to assert claim(s) (e.g., other parent, guardian, conservator, administrator,
executor):
State of Residence:
State of Citizenship:
In the rare instance that Plaintiff(s) include additional Plaintiff(s) who are immediate family members or who solely assert derivative claims, but are not otherwise listed above due to space constraints, please check here and list the additional Plaintiff's name, capacity to assert claims, state of residence, state of citizenship, and pertinent factual and legal claims on a separate sheet of paper.
See attached
In the rare instance that Plaintiff(s) seek(s) to include additional Plaintiff-Children, please check here and list the additional name (or initials, if the Plaintiff Child is currently a minor), state of residence, state of citizenship, year of birth, and injury on a separate sheet of paper.
See attached
III. INCORPORATION OF MASTER COMPLAINT(S)
Plaintiff(s) incorporate by reference the allegations contained in the below indicated First
Amended Master Long Form Complaint(s) and Jury Demand(s) filed in In Re: Acetaminophen -
ASD-ADHD Products Liability Litigation, MDL No. 3043, on July 25, 2023:
The First Amended Master Long Form Complaint and Jury Demand Against
Johnson & Johnson Consumer Inc. (DE 774).

IV.

below:

 Note: Plaintiffs incorporating this First Amended Master Complaint must complete Section IV.A in addition to the above sections.
The First Amended Master Long Form Complaint and Jury Demand
Against the Retailer Defendants (DE 773).
• <i>Note:</i> Plaintiffs incorporating this First Amended Master Complaint must complete Section IV.B in addition to the above sections.
DEFENDANT(S)
A. Manufacturer Defendant
1. Plaintiff(s) allege claims against the Manufacturer Defendant selecte
Johnson & Johnson Consumer Inc. Plaintiff Child #1:
 Johnson & Johnson Consumer Inc. Product(s) Mother took while pregnant with Plaintiff Child #1:
Tylenol Regular [®] ■ Date range Mother took <u>Tylenol Regular®</u> while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): to
Tylenol Extra Strength® Date range Mother took Tylenol Extra Strength® while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
<u>Jul 2002 to Apr 2003</u>
Tylenol Extra Strength Rapid Release Gels® Date range Mother took Tylenol Extra Strength Rapid Release® while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
to

Other:	
•	Date range Mother took Other Product while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
Plaintiff Child #2 (if r	more than one Plaintiff Child):
Johnson & Johnson with Plaintiff ©	nnson Consumer Inc. Product(s) Mother took while pregnant Child #2:
Tyleno	l Regular [®]
— · •	Date range Mother took <u>Tylenol Regular®</u> while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
Tyleno	l Extra Strength® Date range Mother took <u>Tylenol Extra Strength®</u> while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
Tyleno	l Extra Strength Rapid Release Gels® Date range Mother took <u>Tylenol Extra Strength Rapid Release®</u> while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
Other:	
	Date range Mother took Other Product while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
2. Plaintiff(s) h	ereby adopt(s) and incorporate(s) by reference the First

Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc. as if fully set forth herein.

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3. The following claims and allegations asserted in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* are herein adopted by Plaintiff-Mother in her own right (*i.e.* not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below)):

Plaintiff- Mother (Individually)	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other (Individually)	Claim/Allegation
X	X			Count I: Strict Liability for Failure to Warn
X	X			Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
X	X			Count III: Negligence
				Count IV: Negligent Misrepresentation By Omission (Limited to: Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Washington DC, West Virginia, and Wisconsin)
X	X			Count V: Breach of Implied Warranty

4. In checking the box(es) above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation by omission must be set forth here:

5. The following claims and allegations asserted are not included in the First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc. and are herein added to Plaintiffs' Short Form Complaint. (Please state additional claims and the factual and legal basis for them below or on a separate sheet if more space is needed.			
В.	Retailer Defendant(s):		
	1. Plaintiff(s) allege claims against the Retailer Defendants selected below.		
acetaminoph	a box against a Retailer Defendant, Plaintiff(s) allege their claims arise out of the en store brands identified in the <i>First Amended Master Long Form Complaint mand Against Retailer Defendants</i> or otherwise specify additional products below:		
7 -	Eleven, Inc.		
•	Plaintiff Child #1:		
	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): 		
	to		
	■ Location(s) where purchased (City, State):		
	 Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants: 		
-	Plaintiff Child #2 (if more than one Plaintiff Child):		
	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): 		
	to		
	■ Location(s) where purchased (City, State):		

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Store Brand Product(s) Mother took while pregnant with Plaintiff Child
 #2 if not identified in the First Amended Master Long Form

	Complaint and Jury Demand Against Retailer Defendants:
Big Lots, Inc.	•
Plaintiff C	hild #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff C	hild #2 (if more than one Plaintiff Child):
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

C	ostco Whol	esale Corporation
	Plaintiff C	Child #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with
		Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

	f Child #1:
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
■ Plaintif	 Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
■ Plaintif	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
■ Plaintif	■ Date range Mother took Store Brand Product(s) while pregnant

D	olgencorp,	LLC
•	Plaintiff C	hild #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the <i>First Amended Master Long Form</i>
	Plaintiff C	hild #2 (if more than one Plaintiff Child):
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child
		#2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

	Child #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with
•	Plaintiff Child #2 (mm/yyyy to mm/yyyy):
•	•
•	Plaintiff Child #2 (mm/yyyy to mm/yyyy):

Far	mily Dolla	r Stores, LLC
•	Plaintiff C	hild #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	hild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

T	he Kroger (Co.
•	Plaintiff C	hild #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	hild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

Rite Aid Co	poration
Plaintiff C	Child #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff (Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child
	#2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

] Safeway, In	c.
Plaintiff	Child #1:
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

Sa	am's West l	Inc.
	Plaintiff C	Child #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		· • • • • • • • • • • • • • • • • • • •
		Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

] Ta	rget Corp	oration
•	Plaintiff C	hild #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	-	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	hild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

] Walgreen C	0.
Plaintiff (Child #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff (Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

nild #1:
Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
to
Location(s) where purchased (City, State):
Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
nild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
to
Location(s) where purchased (City, State):
Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

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Ot	ther Retaile	er:
•	Plaintiff C	hild #1:
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1:
		Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
•	Plaintiff C	Shild #2 (if more than one Plaintiff Child): Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	-	Location(s) where purchased (City, State):

2. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *First*Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants as if fully set forth herein.

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3. The following claims and allegations asserted in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants* are herein adopted by Plaintiff-Mother in her own right (i.e. not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below):

Plaintiff- Mother (Individually)	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other (Individually)	Claim/Allegation
				Count I: Strict Liability for Failure to Warn
				Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
				Count III: Negligence
				Count IV: Negligent Misrepresentation By Omission (Limited to: Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Washington DC, West Virginia, and Wisconsin)
				Count V: Breach of Implied Warranty

4. In checking the boxes above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*. Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation must be set forth here:

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5. The following claims and allegations asserted are not included in the
First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants
and are herein added to Plaintiffs' Short Form Complaint (Please state additional claims and the
factual and legal basis for them below or on a separate sheet if more space is needed):

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the First Amended Master Long Form Complaint(s) and Jury Demand(s) filed in *In Re:* Acetaminophen – ASD-ADHD Products Liability Litigation, MDL No. 3043 (S.D.N.Y.), on July 25, 2023.

Dated:	Feb	27	2024	Respectfully submitted, /s/ DANIEL C. BURKE	
		Attorney Name: DANIEL C. BURKE			
		Attorney Firm: Bernstein Liebhard LLP			
		Attorney Add Daniel C. Burl Bernstein Lieb 10 East 40th S New York, NY	ke bhard LLP street, Floor 29		
		Attorney Address Line 2:			
		Telephone: 212-779-1414			
		Fax: 212-779-3218			
		Attorney Email: dburke@bernlieb.com			
		Counsel for Plaintiff(s): Taryne Burke Individually, And As Mother And Court Appointed Guardian of Ashton Burke			